

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

v.

No. 4:05CR00305 SWW

SHAWN LUEPKES

PRELIMINARY ORDER OF FORFEITURE
Fed.R.Crim.P. 32.2(b)

IT IS HEREBY ORDERED THAT:

1. As the result of the guilty plea to Count One of the Information, and a stipulation of the defendant in which he agreed to the forfeiture the Government sought pursuant to Title 21 U.S.C. § 853, defendant shall forfeit to the United States all property used or intended to be used in any manner or part to commit the commission of offenses involving Title 21 U.S.C. §§ 841 and 846.

2. The Court has determined, based on the defendant's stipulation and the evidence already in the record, that the following property is subject to forfeiture pursuant to Title 21 U.S.C. § 853, and that the government has established the requisite nexus between such property and such offenses:

U. S. CURRENCY:

- A. Approximately \$4,226.00 seized on March 18, 2004, from **Jason Christopher Calicott, a/k/a Kool Aid**, and **Lewis Austin Graham**, and **Shawn M. King**, in Little Rock, Arkansas;
- B. Approximately \$1,240.00 seized on April 4, 2005 from **Paul Lee Oglesby** in Maumelle, Arkansas;

- C. Approximately \$4,185.00 seized on April 8, 2005 from **Jason Christopher Calicott, a/k/a Kool Aid**, and in Little Rock, Arkansas;

FIREARMS AND AMMUNITION:

- A. one Taurus 38 Special, .38 caliber revolver and ammunition, serial number VH38274, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, and **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;
- B. one Baretta 9mm Model 92FS, serial number BER297442, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;
- C. one Rock Island Armory .45 caliber firearm, serial number RIA914209, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;
- D. one Remington 870 Express 12 gauge shotgun, serial number D603902M, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;
- E. one Mossberg Maverick 88, 12 gauge shotgun, serial number MV59264J, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;
- F. one Winchester Model 70, 7mm firearm, serial number G2255410, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;
- G. one Glock 40 caliber handgun, serial number DUA407US, seized on April 4, 2005, from **Paul Lee Oglesby** in Maumelle, Arkansas;
- H. one Keltek 40 caliber, serial number 83048, seized on April 8, 2005 from **Jason Christopher Calicott, a/k/a Kool Aid**, in Little Rock, Arkansas;
- I. one Davis Arms .32 caliber pistol with clip, serial number 508614, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;
- J. one Colt .25 caliber pistol, serial number 11045, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid**, **Louis Austin Graham**, and **Shawn M. King** in Little Rock, Arkansas;

- K. one Bauer .25 caliber pistol with clip, serial number 025651, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid, Louis Austin Graham, and Shawn M. King** in Little Rock, Arkansas;
- L. one Raven .25 caliber pistol with clip, serial number 1816314, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid, Louis Austin Graham, and Shawn M. King** in Little Rock, Arkansas;
- M. one Rossi rifle/shotgun .22 caliber and .410, serial number SP487197, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid, Louis Austin Graham, and Shawn M. King** in Little Rock, Arkansas;
- N. one Intertec Luger 9mm, Model Tec-DC9, serial number D002084, seized on March 18, 2004 from **Jason Christopher Calicott, a/k/a Kool Aid, Louis Austin Graham, and Shawn M. King** in Little Rock, Arkansas;
- O. one Heritage Rough Rider .22 caliber pistol, serial number JR27755, seized on August 7, 2005 from **Timothy Mark Ison** in Little Rock, Arkansas;

3. Upon the entry of this Order, the United States Attorney General (or a designee) is authorized to seize the above listed property and to conduct any discovery proper in identifying, locating, or disposing of the property subject to forfeiture, in accordance with Fed.R.Crim.P. 32.2(b)(3).

4. Upon entry of this Order, the United States Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

5. The United States shall publish notice of the order and its intent to dispose of the property in such a manner as the United States Attorney General (or a designee) may direct. The United States may also, to the extent practicable, provide

written notice to any person known to have an alleged interest in the Subject Property.

6. Any person, other than the above named defendant, asserting a legal interest in the Subject Property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to Title 21 U.S.C. §853(n)(2).

7. Pursuant to Fed.R.Crim.P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.Crim.P. 32.2(c)(2).

8. Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim and the relief sought.

9. After the disposition of any motion filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

SO ORDERED this 30th day of March, 2006.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE